

REMARKS

Reconsideration of the rejections is respectfully requested. Claims 1 to 16 and 22 are currently pending.

The Office Action mailed May 30, 2001 addressed Claims 1 to 16 and 22. Claims 1 to 16 and 22 were rejected. Claims 17 to 21 were withdrawn.

The Examiner stated that Applicant has not provided a priority date for the publications: "Manual for the Rubber Industry" and "UREPAN-Specialty Elastomers with a Wide Range of Applications for the Rubber Industry". Applicants are attempting to determine a priority date for these publications.

Claims 1 to 16 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. The Examiner stated that the omitted elements are those elements which go to make up the game ball. The Examiner further stated that the preamble of the claims recites a game ball, however, the body of the claim only recites the cover, and thus, the claim is incomplete in providing a game ball as the preamble suggests.

Applicants respectfully disagree with the Examiner. Claim 1, which recites "A game ball having a cover, said cover comprising an external layer of vulcanized urethane gum rubber" is neither incomplete nor lacking essential elements. Claim 1 is directed to a game ball that has a specific type of cover, in this case a vulcanized urethane gum rubber cover. The claim is not required to have the other elements that make up the game ball. There are many claims in issued patents which do not recite all of the elements that make up the respective game balls or golf balls. See, for example, claim 1 of U.S. Patent 6,228,940, which recites, in pertinent part, "A game ball having an ionomer blend cover comprising..."; and claim 1 of U. S. Patent 6,099,416, which recites, in pertinent part, "A golf ball having a cover comprised predominantly of ..." (copies attached). Claim 11 recites a game ball comprising an inflatable bladder, a layer of polymer filaments, and a cover. Therefore, since the body of claim 11 recites the essential elements that make up the game ball, it has not been amended. Claims 2 to 10 and 12 to 16 depend, or ultimately depend from claim 1 or claim 11. Applicants

respectfully submit that this overcomes the rejection under 35 U.S.C. 112, second paragraph. Applicants therefore respectfully request that the rejection of claims 1 to 16 under 35 U.S.C. 112, second paragraph be reconsidered and withdrawn.

Claims 1 to 8, 10 to 14, 16 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of "Manual for the Rubber Industry". The Examiner stated that Walker et al. disclose a basketball construction including a bladder (12), a layer of filaments (16) wound over the bladder and a cover (34) of polyurethane for the ball, but Walker et al. lack the teaching for the polyurethane cover to be a particular type of polyurethane, specifically, vulcanized urethane gum rubber. The Examiner further stated that the "Manual for the Rubber Industry" reveals the manufacturing process for vulcanized urethane gum rubber and notes its advantages, such as "particularly good mechanical properties" and that "wear resistance under many service conditions is better than that of other elastic material". The Examiner concludes that it would have been obvious for one of ordinary skill in the art to replace the polyurethane of Walker et al. with that taught by the "Manual for the Rubber Industry" in order to provide an improved polyurethane with better mechanical properties and wear resistance.

Walker et al. disclose a basketball with a synthetic cover, specifically a basketball having a cover comprising a plurality of polyurethane inserts formed with matted fibers of nylon or a polyester with a diameter of about 1 micron (see Abstract, column 2 lines 46 to 53, and claims 1 and 2). The purpose of Walker et al. is to provide an improved synthetic basketball with superior characteristics like real leather covered balls (see columns 1 and 2), not to provide improved rubber covered balls with better mechanical properties and wear resistance. Walker et al. do not disclose a basketball having a rubber cover, more specifically a urethane gum rubber cover. The polyurethane used in the cover of Walker et al. is used to impregnate fibers and to simulate leather, thus providing a softer feel on the cover at a reduced cost as compared to high grade leathers (see column 5, line 15 to column 6, line 31). Applicants' invention is not directed to a synthetic leather covered game ball. The cover of Applicants' game ball comprises a layer of vulcanized urethane gum rubber. Since, as

discussed above, the primary reference, Walker et al., is deficient because it does not disclose the use of a urethane gum rubber, the addition of "Manual for the Rubber Industry" as a secondary reference does not cure this deficiency. There is no motivation or teaching to combine Walker et al. with "Manual for the Rubber Industry" since Walker et al. is directed to the use of synthetic panels on a basketball, and "Manual for the Rubber Industry" discusses vulcanized urethane gum rubbers and their improved properties. Walker et al. is not using a urethane rubber, or any type of rubber, as the panels of the basketball, nor would Walker et al. have any reason to use vulcanized urethane gum rubber on the game ball since Walker et al. is directed to synthetic leather balls.

The Examiner stated that regarding claims 2 to 6 and 10, "Manual for the Rubber Industry" teaches the crosslinking of the urethane with sulfur and the use of the other materials for forming the polyurethane. As previously stated, the primary reference relied on by the Examiner, Walker et al., is deficient because it is directed to basketballs with synthetic leather covers with a softer feel, not to urethane gum rubber covers. Therefore, the addition of "Manual for the Rubber Industry" as a secondary reference does not cure this deficiency. There is no motivation or teaching to combine Walker et al. and "Manual for the Rubber Industry" since Walker et al. is directed to improving synthetic covered basketballs to provide a better leather-like feel, not improving rubber covered balls. There is no motivation for Walker et al. to substitute a rubber cover on their game ball, which comprises an improved synthetic leather cover.

The Examiner stated that regarding claims 7 and 8, Walker et al. teach the use of a rubber carcass (20) as an inner layer. As previously stated, Walker et al. is deficient because it is directed to basketballs with synthetic leather covers with a softer feel, not to urethane gum rubber covers. Therefore, the addition of the rubber carcass as an inner layer with a synthetic cover does not produce the game ball of Applicants' invention because Applicants' invention requires a urethane gum rubber cover.

For at least these reasons, Applicants respectfully submit that claims 1 to 8, 10 to 14, 16 and 22 are not obvious under 35 U.S.C. § 103(a) over Walker et al. in view of the "Manual for the Rubber Industry". Applicants therefore respectfully request that

the rejection of claims 1 to 8, 10 to 14, 16 and 22 under 35 U.S.C. § 103(a) as obvious over Walker et al. in view of the "Manual for the Rubber Industry" be reconsidered and withdrawn.

Claims 9 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of "Manual for the Rubber Industry" and Schindler et al. The Examiner stated that the combination of Walker et al. in view of "Manual for the Rubber Industry" lacks the teaching for the inner layer to be foamed. The Examiner further states that Schindler et al. reveal a basketball construction including a bladder (12), a layer of windings (14), an inner layer (16) of foamed rubber and a cover (18). The Examiner concluded that it would have been obvious to one of ordinary skill in the art to replace the inner layer of Walker et al. with that of Schindler et al. for the reasons advanced by Schindler et al.

As previously discussed, Walker et al. disclose a basketball with a synthetic cover, specifically a basketball having a cover comprising a plurality of polyurethane inserts formed with matted fibers of nylon or a polyester with a diameter of about 1 micron (see Abstract, column 2 lines 46 to 53, and claims 1 and 2). The purpose of Walker et al. is to provide an improved synthetic basketball with superior characteristics like real leather covered balls (see columns 1 and 2). Walker et al. do not disclose a basketball having a rubber cover, more specifically a urethane gum rubber cover. The polyurethane used in the cover of Walker et al. is used to impregnate fibers and to simulate leather, thus providing a softer feel on the cover at a reduced cost as compared to high grade leathers (see column 5, line 15 to column 6, line 31). The polyurethane used in the cover of Walker et al. is not a urethane gum rubber. Applicants' invention is not directed to a synthetic leather covered game ball. The cover of Applicants' game ball comprises a layer of vulcanized urethane gum rubber. Since, as previously discussed, there is no motivation or teaching to combine of Walker et al. and "Manual for the Rubber Industry", the addition of Schindler et al. does not cure the fundamental defect, which is the lack of a gum urethane rubber cover in Walker et al. Adding a foamed inner layer to Walker et al. would not produce the game ball of Applicants' invention, which is a game ball having a vulcanized urethane

gum rubber cover. For at least these reasons, Applicants respectfully submit that claims 9 and 15 are not obvious under 35 U.S.C. § 103(a) over Walker et al. in view of the "Manual for the Rubber Industry" and Schindler et al. Applicants therefore respectfully request that the rejection of claims 9 and 15 under 35 U.S.C. § 103(a) as obvious over Walker et al. in view of the "Manual for the Rubber Industry" and Schindler et al. be reconsidered and withdrawn.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 16 and 22. Applicants respectfully request allowance of claims 1 to 16 and 22, the claims currently pending.

Respectfully submitted,

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